

Serial No. 09/973,837

Docket No.: 1075.1175

REMARKS

In accordance with the foregoing, claims 1, 14, 18, and 26 have been amended. Claims 70-72 have been added. No new matter has been added. Claims 2-5, 7-13, 15-17, 19-21, 23-25, 27-29, 31-33, 25-37, 39-41, 43-45, 47-49, 51-53, 55-57, 59-63, and 65-69 have been canceled. Claims 1, 14, 18, 22, 26 and 70-72 are pending and under consideration.

SPECIFICATION

The title of the invention has been amended according to the Examiner's suggestion.

CLAIM OBJECTIONS

Claims 1 and 26 have been amended herewith to cure the lack of antecedent support.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

In the Office Action, claims 1, 10, 18 and 22 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Publication No. 2001/0040625 to Okada, et al. (hereinafter "Okada").

The image data dispensing system of claim 1, as amended herewith, includes "an image obtaining apparatus, adapted to be lent to a customer, for obtaining image data by operation of the customer", "image manipulating means for manipulating said image data, which has been read out from said image obtaining apparatus, by a predetermined manipulation process yielding resulting image data" and "image data dispensing means for dispensing the resulting image data, to the customer for a consideration." The image data dispensing means include "an image server for storing the resulting image data" and "a communication network communicably interconnecting said image server and a customer terminal." The resulting image data, which is stored in the image server, is dispensed to the customer terminal via the communication network.

In contrast, Okada discloses (see Abstract):

The digital camera is available at, for example, a selling store such as convenience store. After taking desired photographs, the user returns the digital camera to the selling store. The returned digital camera is collected at a prescribed distribution center, where the photographed data in the digital camera is transmitted to an image station apparatus through a transmitting apparatus. The image station apparatus stores the photographed images in a hard disk. The user accesses the image station apparatus over the Internet by using a user's personal computer, thereby viewing or downloading the images photographed with the digital camera. Thus, the digital camera that allows everybody to enjoy digital photographs as low cost can be provided.

Serial No. 09/973,837

Docket No.: 1075.1175

In the Office Action, it is alleged that the "image manipulating means" are taught or suggested by the "image processing portion 13" disclosed in Okada. However, the image processing portion 13 of Okada is provided as a part of the digital camera for obtaining picture images (see paragraph 46), while the image manipulating means as recited in claim 1 manipulate the image data, which has been obtained by the image obtaining apparatus from the image obtaining apparatus (e.g., the digital camera). That is, in the image data dispensing system of claim 1, the image manipulating means are not part of the image obtaining apparatus (digital camera) as in Okada.

According to amended claim 1, the image data dispensing system also includes "image data dispensing means for dispensing a resulting image data, which is the image data as the result of said predetermined manipulation process by said image manipulation means, to the customer for a consideration." The image data dispensing means includes "an image server for storing the resulting image data which is the image data as the result of said predetermined manipulation process by said image manipulating means" and "a communication network communicably interconnecting said image server and a customer terminal." Applicants believe that Okada does not teach or suggest the image data dispensing means having the structure and the features recited in amended claim 1. The structure of the image data dispensing means was originally recited in claim 10 and therefore, hereinafter Applicants address the arguments in the Office Action supporting the rejection of claim 10. The Office Action presents the arguments that Okada anticipates the subject matter of claim 10 while referring to FIGS. 5 and 6 therein. Applicants respectfully note that the image station 50 of Okada is indicated as disclosing both the image data dispensing means and the image server that is a part of the image data dispensing means. The structures illustrated in FIGS. 5 and 6 of Okada do not anticipate the system of claim 1 whose non-limiting embodiments are illustrated for example in FIGS. 1, 3, and 8 of the present application.

Further, according to the subject matter of claim 1, the "image manipulating means" manipulate image data by a predetermined manipulation process yielding result image data which are stored in the image server. In contrast, Okada discloses providing a picture image processing service (paragraph 84 through 86) only in response to the users' operation.

Claim 1 is patentable at least because the image manipulating means and the image data dispensing means recited in claim 1 are not taught or suggested by the cited prior art.

Serial No. 09/973,837

Docket No.: 1075.1175

Therefore, the prior art fails to teach or suggest every feature recited in claim 1, so that claim 1 and claims 14, 18, 22, and 26 depending directly or indirectly from independent claim 1 are patentably distinct over Okada.¹

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 14 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okada in view of U.S. Patent No. 6,522,418 to Yokomizo, et al. ("Yokomizo").

Yokomizo discloses²:

An image processing method employs a system having a remote image processing station and a server image processing station. The method has the following steps: a first storage step in which high-resolution information is stored in the remote image processing station; a first transferring step in which image information of resolution lower than that of the high-resolution image information is transferred from the remote image processing station to the server image processing station; a second transferring step in which the low-resolution image information stored in the second storage step is transferred from the server image processing station to a user's terminal; a first editing step in which the low-resolution image information transferred in the second transferring step is edited at the user's terminal; a third transferring step in which editorial information indicative of the contents of the edition performed in the first editing step is transferred from the user's terminal to the remote image processing station; and a second editing step in which the high-resolution image information stored in the first storage step is edited in the remote image processing station in accordance with the editorial information transferred in the third transferring step.

Yokomizo fails to correct or compensate for the above-identified deficiencies of Okada in teaching or suggesting all the features of independent claim 1. Therefore, Applicants respectfully submit that the image data dispensing system recited in claim 1, patentably distinguished over the cited prior art.

NEW CLAIMS 70-72

Claim 70 is an alternative recitation of the image dispensing system and is fully supported by the originally filed specification and claims, for example, claim 1 and FIG. 1.

Claim 70 is patentable because "an image reader to read the image data from the image forming apparatus", "an image manipulator to process the image data to generate processed

¹ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Serial No. 09/973,837

Docket No.: 1075.1175

"image data" and "an image writer to store the processed image data in an image database which can be accessed by a customer terminal via a network" are not taught or suggested by the prior art.

Claim 71 is directed to a method to provide a customer with images obtained by an image forming apparatus, outside the image forming apparatus. Claim 71 is fully supported by the originally filed specification and claims and corresponds to the system of claim 1. Claim 71 patentably distinguishes over the prior art by reciting the following operations: "reading out the images from the image forming apparatus", "applying a predetermined manipulation process to the read images to generate processed images", "storing the processed images in an image database connected to a customer terminal via a network" and "dispensing the processed images from the image database to the customer terminal via the network."

Claim 72 recites an image dispensing system capable to read images from an image data storing unit of an image forming apparatus, which includes an image reading unit to read out images stored in the image forming apparatus, an image processing unit to process the read images according to a predetermined processing procedure, and an image output unit to transfer the processed image into an external image storing device, wherein the external image storing device sends the images to a customer terminal via a network. Applicants respectfully submit that the subject matter of claim 72 is not disclosed or made obvious by the prior art.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

² See Yokomizo, Abstract.

Serial No. 09/973,837

Docket No.: 1075.1175

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

June 12, 2006

By:


Paul I. Kravetz
Registration No. 35,2301201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005

Telephone: (202) 434-1500

Facsimile: (202) 434-1501

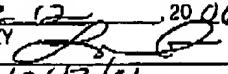
CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,

PO. Box 1450 Alexandria, VA 22313-1450

on June 12, 2006

STAAS & HALSEY

By: Date: 6/12/06